



Llywodraeth Cymru
Welsh Government

PUBLICATION, DOCUMENT

Developments of National Significance: guide to engaging with the process

The Welsh Ministers decide planning applications for Developments of National Significance (DNS). Planning and Environment Decision Wales (PEDW) handle DNS applications on behalf of the Welsh Ministers.

First published: 23 April 2024

Last updated: 23 April 2024

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Introduction

The Welsh Ministers decide planning applications for Developments of National Significance (DNS). Planning and Environment Decision Wales (PEDW) handle DNS applications on behalf of the Welsh Ministers.

DNS Definition:

- A DNS is a type of planning application for a large infrastructure project of national importance – for example, a wind farm, power station or reservoir.
- Instead of your Local Planning Authority making the decision, an Inspector from PEDW examines the application and makes a recommendation to the Welsh Minister based on planning merits and national priorities.
- The Minister decides whether or not to grant permission.
- A full list of DNS development types is defined in legislation (see Annex).

This guide sets out:

- How communities can expect to be involved in the development of a DNS proposal
- How best to have your say on a DNS project
- How to make a good 'representation' to the Planning Inspector
- The purpose of a DNS 'examination'

Setting the scene

National and Local Planning Policy

Decisions on DNS applications must be based on the Local Development Plan (LDP) and Welsh Government planning policy.

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- LDPs are prepared by Local Planning Authorities. They set out where development should be placed and include policies that DNS applications should comply with.
- Future Wales, Planning Policy Wales and related Technical Advice Notes set out a range of Welsh Government planning policies. For example policies 17 and 18 of Future Wales provide criteria for renewable and low carbon energy developments of national significance.

DNS applications in progress

Details of DNS applications and their current status are available on the [planning casework portal](#).

DNS and other consents

A DNS application can include certain secondary consents along with the planning application; for example, consent to de-register Common Land, divert a Public Right of Way or modify a Listed Building. These are dealt with at the same time as the DNS application and decided by the Minister.

If a DNS application gets approved, other related consents might be needed before development can start – for example, an Environmental Permit or Sustainable Drainage consent. The developer must apply for these separately from the DNS application.

The stages of a DNS project

The different stages of a DNS project are summarised below. PEDW's DNS Procedural Guidance provides more detail on each stage.

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Stage 1: Pre-Application

- The developer produces ideas for the proposal, contacts individuals and groups, arranges events, and publicises the draft proposals to identify issues and exchange views between interested parties.
 - This stage is voluntary. It is up to the developer to decide how they undertake this early 'engagement' with local communities.
- The developer notifies PEDW that it intends to submit a planning application.
- After notification, the developer must publicise the detailed DNS proposal, and consult nearby owners and occupiers, the Community Council, and other bodies, for a period of six weeks.
- The Local Planning Authority must display site notices. The developer will prepare a Consultation Report summarising how it consulted the community and how the responses influenced the planning application.

Stage 2: Application

- Developer submits application to PEDW with Consultation Report.
- Application validated by PEDW.
- Local Planning Authority puts up site notices.
- Local Planning Authority prepares a Local Impact Report.

If all required documents are submitted, PEDW will publicise the application and write to consultees. People have 5 weeks to submit comments or objections (known as representations).

Stage 3: Examination

- PEDW appoints an Inspector to 'examine' the application, including all representations. All representations must be considered.

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- Inspector decides whether a hearing, inquiry, or additional written representations are needed. If so, the Inspector might invite interested parties to participate.

Stage 4: Decision

- At the end of the examination, the Inspector writes a report to the Welsh Minister recommending whether planning permission should be granted or refused.
- The Minister then has 12 weeks to make a final decision.

Stage 1: pre-application

PEDW's DNS Procedural Guidance encourages developers to involve communities at the earliest stage of a DNS project. This is because:

- Involving people with local knowledge results in better quality projects, and
- There are limited opportunities to change development later in the process.

The developer decides how to engage with the public. Although it is not compulsory, PEDW actively encourages developers and communities to engage with each other early in the development process.

Hearing about DNS projects

You may hear about DNS projects by:

- A letter through the door
- Pamphlet / poster in a public space

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- Advertisement in a local paper or website, or
- Via your Community Council

How to register your views about a draft DNS project

- By talking to the developer at meetings or events, or via email/ telephone, to find out more about the project, and
- Following this discussion up with an email or letter setting out the ways in which you think the project could be improved.

You will have an opportunity to make a formal comment during the 'pre-application consultation' (see below).

Pre-application consultation

Developers must consult local communities for a period of at least six weeks on the draft DNS project before they submit an application to PEDW.

This consultation is the first 'formal' opportunity to make your views known.

The role of Community and Town Councils

- Informing developers and the Local Planning Authority about local issues
- Helping developers organise events.
- Submitting comments during the pre-application consultation.

However, regardless of whether an area has an established Community Council, PEDW always expects the developer to engage with local residents directly.

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Consultation

The responsibility for consultation lies with the developer, not your Local Planning Authority.

The developer will contact owners and occupiers near to the site, the Community Council and other bodies via email or letter. Site notices and local advertisements will publicise the draft DNS application and inform where people can view copies of the draft, including all supporting documents.

Document availability in Welsh and English

- Every document issued by PEDW will be available in both Welsh and English, but technical documents produced by the developer may only be able in English.
- PEDW will encourage developers to produce any 'public-facing' documents in both languages (e.g. the Non-Technical Summaries of Environmental Statements) but this will be up to the developer.

How to make your comments

To have your comments considered by the developer, you must send in a written comment or objection within the consultation period.

Before you submit a comment / objection, you should look at the documents provided by the developer. You may wish to contact the developer if you need help identifying what documents you need to look at.

Please do not submit a representation to PEDW during the pre-application stage. At this stage, all representations must be submitted to the developer. PEDW will not put representations onto our case file at the pre-application stage.

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Stage 2: application

Following the public consultation period the developer will consider all comments received. If satisfied that the project cannot be improved, they will submit it to PEDW for examination. Otherwise, they may revise it based on feedback and re-consult the public before re-submitting.

A Consultation Report prepared by the developer will detail community engagement and its impact on the planning application.

The complete application will be submitted to PEDW. If all required documents have been submitted, PEDW will 'accept' the application. A Planning Inspector (sometimes more than one) will be appointed, and the examination will start.

Statutory Consultation – submitting 'representations'

PEDW will arrange for the Local Planning Authority to display a notice on site and will notify all relevant local parties inviting them to submit 'representations'.

Local communities will have no less than 5 weeks to submit comments or objections (known as 'representations') to PEDW.

Representations can be submitted to PEDW during this period by e-mail or by post. For sustainability purposes, our preference is e-mail. Our contact details are available at the end of this guidance.

How to make a written representation

Before drafting a representation, thoroughly research the project and consider its impacts. Seek assistance from the developer or a case officer from PEDW if

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necessary. Once ready, send your representation to PEDW and make sure to include:

- your full name, address, email address and telephone number (or the name and address of your agent if someone is acting for you)
- PEDW's reference number for the case, or the Project Title and site address from the planning casework portal or the developer's website or literature
- whether your representation relates to the project as a whole, or to one of the associated 'secondary consents'
- what you consider are the positive or negative impacts of the DNS project, and
- whether you are making a joint case with others.

How PEDW will handle your representation

All representations will be published to the planning casework portal. We will redact certain information before publishing to ensure we comply with UK General Data Protection Regulations and other relevant legislation. By default, we do not remove names and addresses from representations. If you do not wish your name and address to be published, please ensure you make this clear in a covering e-mail or letter. Do not include that information in the representation itself. We cannot accept anonymous representations. The appointed Inspector will see unredacted versions of representations. It may also be necessary for the applicant to see unredacted versions. Please consider this when writing your representation.

Tips for writing a good representation

Think about what needs to go in your representation, organise it in a logical order, and stick to the facts. A clear and well written representation is more effective than an unstructured and emotional one. Facts supported by evidence

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are what the Inspector will use when making their recommendation.

If you are invited to speak at a hearing on inquiry, you will only be able to talk about the matters identified by the Inspector. So make sure that your representation is as comprehensive as possible.

To write a clear and effective representation:

- stick to the facts
- focus on issues raised by the project (e.g. positive and negative impacts)
- be specific and provide examples
- tell the Inspector what you want them to know – don't leave them to guess
- write in clear, simple, everyday language

What not to do in your representation

During the examination, the Inspector can only consider things that are relevant to planning. For example:

- The impact of a proposal on a landscape, local roads/traffic, a protected species, or air quality
- The economic benefits of a proposal
- The consistency of a proposal with the Local Development Plan.

The Inspector cannot consider matters previously deemed not of the public interest by the Courts (e.g. quality of view from a private building, changes in property value). Focus your representation on issues or impacts that are concerned with the public interest.

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What to do when your objection from pre-application remains unresolved

If your objection during pre-application consultation remains unresolved, submit a new representation when invited to do so by PEDW. Read the Consultation Report prepared by the developer, which outlines comments from the pre-application stage and any project amendments made in response.

Petitions and ‘pro forma’ responses

The Inspector’s recommendation to the Minister is guided by the types of issues raised, rather than the number of objections received on a particular issue. An Inspector cannot attach more importance to an issue purely on the basis that many people have made an objection. If your community wishes to object to a proposal, make sure you base your objection on why you think the project is unacceptable in terms of its impacts / planning merits.

Stage 3: examination

At the end of the representation period, the developer has an opportunity to make minor amendments to their project. It is up to the Inspector to decide whether to accept any proposed amendments.

The Inspector will review all submitted representations, DNS application documents, and Local Impact Reports submitted by the Local Planning Authority and Community Council. The Inspector will also conduct a site visit. They will use all of this information to identify the main issues raised by the proposal.

The Inspector will determine if a hearing or inquiry is necessary to explore any main issues. If not, they will proceed based on written representations, which

hold equal weight to oral evidence.

The examination may involve:

- Written representations
- A hearing
- An inquiry
- ...or all three

A hearing is a discussion led by the Inspector. An inquiry is more formal; parties are likely to have legal representation and witnesses may be cross-examined.

Hearings and inquiries are public events, but participation in discussions is limited to those invited by the Inspector. The Inspector will invite individuals to provide oral evidence or additional written submissions only if deemed necessary for clarifying a 'main issue'.

Keeping track of the examination

All submission documents, Local Impact Reports, written representations and any documents related to a hearing or inquiry will be available to view on [PEDW's casework portal](#).

Stage 4: decision

Recommendation and Decision

After the examination, the Inspector will produce a report for the Welsh Ministers, recommending whether planning permission should be granted or

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refused. This report and recommendation will not be available for any participants in the DNS process to view while it is being considered by the Welsh Ministers.

The Welsh Ministers will then have 12 weeks to make and publish the decision. During this time they will consider the Inspector's report, review the recommendation of the Inspector and check all associated information with the application.

Please Note: For applications that only include an overhead line, the decision is made by the Inspector on behalf of the Minister. In those cases, the Inspector will issue a decision instead of submitting a recommendation report.

How to find out if the application has been approved

The Welsh Government will publish the decision on the Planning Casework Portal and will inform all interested parties of the decision. The decision will include a copy of the Inspector's report.

Contact details for PEDW

These details can be used for all queries regarding the DNS process or a specific DNS case. The e-mail address and postal address can be used for the submission of representations.

E-mail: PEDW.infrastructure@gov.wales

Telephone: 0300 123 1590

Post:

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The Infrastructure Casework Team
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CF10 3NQ

Annex: useful information

PEDW's role in the DNS System

PEDW's role in the DNS process is to handle applications and recommend to Ministers on an open, fair and impartial basis, within the system as it was designed. PEDW is at arms' length from those responsible for making the final decision and is not responsible for the overall design of the DNS system.

If you have concerns about the way the DNS system was designed and operates, they should be addressed to the Welsh Government's Planning Directorate, which can be contacted at planning.directorate@gov.wales

Relevant Legislation

The DNS process is governed by the following legislation:

- The Town and Country Planning Act 1990 (as amended) – Section 62D Onwards
- Developments of National Significance (Procedure) (Wales) Order 2016 (as amended)
- Developments of National Significance (Wales) Regulations 2016 (as amended)

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- Developments of National Significance (Specified Criteria and Prescribed Secondary Consents) (Wales) Regulations 2016 (as amended)
- Developments of National Significance (Fees) (Wales) Regulations 2016 (as amended)

Nationally Significant Infrastructure Projects (NSIPS)

DNS projects are similar to Nationally Significant Infrastructure Projects (NSIPs), but NSIPs are decided by the UK Government, whereas DNS applications are decided by the Welsh Ministers.

NSIP applications usually relate to much larger projects (e.g. certain energy generation above 350 MW) and although they can be in Wales, they are dealt with by The Planning Inspectorate, which is an executive agency of the UK Government. The final decision is then taken by the UK Secretary of State.

PEDW is not involved in the handling of NSIP applications, and the Welsh Ministers do not make the final decision whether to grant consent.

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